

Attorney Dkt.  
TOM995/99795

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM, METHOD AND ARTICLE OF MANUFACTURE TO DETERMINE AND  
COMMUNICATE OPTICAL LENS SIZING AND PRESCRIPTION INFORMATION**

the specification of which (check one)

[X] is attached hereto.

[ ] was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56 (a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application to which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

			Priority Claimed	
(Number)	(Country)	(Day/month/year filed)	[ ]	[ ]
			Yes	No
(Number)	(Country)	(Day/month/year filed)	[ ]	[ ]
			Yes	No

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date
_____ (Number)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose which is material to patentability information as defined in Title 37, Code of Federal Regulations, Section 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

\_\_\_\_\_  
(Appl. Serial No.) (Filing date) (Status) (patented, pending, abandoned)

\_\_\_\_\_  
(Appl. Serial No.) (Filing date) (Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As named inventor, or named inventors, I (We) hereby appoint the following attorney(s) and/or agent(s):

Paul H. Johnson, Registration No. 19,224  
Mark G. Kachigian, Registration No. 32,840  
Brent A. Capehart, Registration No. 39,620

of Head, Johnson & Kachigian, 228 West 17th Place, Tulsa, Oklahoma 74119, Telephone Number (918) 587-2000, and

Martin G. Ozinga, Registration No. 44,992

of Head, Johnson & Kachigian, 204 North Robinson, Suite 3030, Oklahoma City, Oklahoma 73102, Telephone Number (405) 236-4000, and

Robert R. Keegan, Registration No. 18,614

Daniel R. Alexander, Registration No. 32,604

Trent C. Keisling, Registration No. 36,565

of Head, Johnson & Kachigian, 112 West Center Street, Suite 230, Fayetteville, Arkansas, 72701, Telephone Number (501) 582-9111, all members duly authorized to practice law. Further, all foregoing attorneys are authorized to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Letters Patent Document, if issued.

SEND CORRESPONDENCE AND TELEPHONE CALLS TO:

Brent A. Capehart  
Head, Johnson & Kachigian  
228 West 17<sup>th</sup> Place  
Tulsa, OK 74119

Full name of first or sole inventor: VIRGIL THOMAS YANCY

Inventor's signature:



1-20-2000

DATE

Residence: Tulsa, Oklahoma

Citizenship: United States of America

Post Office Address: 8438 S. Allegheny Avenue, Tulsa, Oklahoma 74137

Applicant or Patentee:

YANCY, VIRGIL THOMAS

Attorney's Docket

Serial or Patent No:

No. TOM995/99795

Filed or Issued:

For: **SYSTEM, METHOD AND ARTICLE OF MANUFACTURE TO  
DETERMINE AND COMMUNICATE OPTICAL LENS SIZING  
AND PRESCRIPTION INFORMATION**

**VERIFIED STATEMENT (DECLARATION)**

**CLAIMING SMALL ENTITY STATUS**

**[37 CFR SECTION 1.9 (f) and SECTION 1.27 (b)]**

**INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9 (c) for purposes of paying reduced fees under Section 41 (a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:

**SYSTEM, METHOD AND ARTICLE OF MANUFACTURE TO  
DETERMINE AND COMMUNICATE OPTICAL LENS SIZING  
AND PRESCRIPTION INFORMATION**

described in:

- the specification filed herewith.  
 Application Serial No. \_\_\_\_\_ filed \_\_\_\_\_.  
 Patent No. \_\_\_\_\_ issued \_\_\_\_\_.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9 (c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

- no such person, concern, or organization  
 persons, concerns or organizations listed below\*

\* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. [37 CFR 1.27].

FULL NAME:

INDIVIDUAL

ADDRESS:

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

FULL NAME:

[ ] INDIVIDUAL

ADDRESS:

[ ] SMALL BUSINESS CONCERN

[ ] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)].

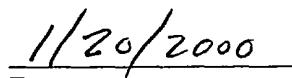
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR

VIRGIL THOMAS YANCY



Signature of Inventor



Date